

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

Civil No. 05md1726 JMR/AJB

In re: Medtronic, Inc. Implantable
Defibrillator Product Liability Litigation

**ORDER ON EXPERTS AND
DEPOSITION LIMITS**

This matter is before the Court, Magistrate Judge Arthur J. Boylan, on plaintiff's request for permission to identify general experts in addition to those permitted under the amended pretrial scheduling order. The request was presented to the court at status conference and hearing held on May 18, 2007, at the U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. Dan Gustafson, Esq., argued on behalf of the plaintiffs. Lori G. Cohen, Esq., argued on behalf of the defendant. The currently effective amended pretrial scheduling order permits each side to designate three experts to testify with respect to general MDL issues. Plaintiffs have identified five general experts, and assert that in light of the early stage of discovery in this case it is too early to determine which of the experts would most appropriately be called to testify. Plaintiffs therefore seek permission to identify and provide timely reports from five experts, and save designation of the number and identification of testifying experts for a later time. Defendant opposes the request and asks to the court to require plaintiffs to immediately designate the three testifying experts permitted under the amended pretrial scheduling order.

Based upon the file, letter statements, and oral arguments of counsel, **IT IS**

HEREBY ORDERED that the Amended Pretrial Scheduling Order dated April 12, 2007,¹ is hereby amended to permit each side to identify **five** general MDL experts. Expert reports shall be disclosed as provided under the currently effective order on scheduling of expert discovery. This Order shall not be construed to modify the number of general experts who will be permitted to testify at trial.

Dated: May 21, 2007

s/ Arthur J. Boylan
Arthur J. Boylan
United States Magistrate Judge

¹ [Docket No. 489].